



**ORDINANCE NO. 3157**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE #2889, AND SUPERSEDING ORDINANCE #2964, AND SUPERSEDING ORDINANCE #3056, AND SUPERSEDING ORDINANCE #3144, UPDATING THE FINANCIAL PLAN FOR THE POPLAR WAY EXTENSION BRIDGE PROJECT (33<sup>RD</sup> AVE W TO POPLAR WAY); AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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WHEREAS, pursuant to Chapter 35A.33 RCW, the City of Lynnwood is required to appropriate funds for City projects and to formally authorize the transfer of appropriations from one fund to another fund; and

WHEREAS, the City is committed to a planned transportation and traffic improvement program as a part of the City Transportation Program and Capital Facilities Plan; and

WHEREAS, the Poplar Way Extension Bridge project is included in the City's Capital Facilities plan as project number ST2006088A; and

WHEREAS, one of the City's goals for the transportation system, as identified in the Transportation Element of the City's Comprehensive plan, is to provide mobility options for residents, visitors and commuters through a balanced transportation system that supports the City's land use vision; and

WHEREAS, a critical element of the City's overall land use plan and vision to accommodate growth as required by the Growth Management Act (GMA) of 1990, while also preserving and protecting the character of existing residential neighborhoods, has been to develop and implement a planned City Center; and

WHEREAS, the GMA includes a "concurrency" requirement that requires the City to provide the necessary transportation improvements to support the planned development as it occurs; and

WHEREAS, one of the major transportation issues facing the City of Lynnwood in the future identified in the Transportation Element of the City's Comprehensive Plan, is the impediment to circulation in the vicinity of Alderwood Mall/City Center area created by the physical location of I-5; and

WHEREAS, the Poplar Way Extension Bridge will provide an additional crossing of I-5 that will both alleviate traffic demand on the 196<sup>th</sup> Street SW Bridge and increase circulation within the vicinity of the Alderwood Mall/City Center area; and

WHEREAS, the City of Lynnwood performed a City Center Access Study to develop and prioritize a system of regional and local transportation infrastructure improvements to support, increase access to, and increase circulation within, the planned City Center; and

WHEREAS, the Poplar Way Extension Bridge project was identified as one of the highest priority local projects developed during the performance of the City Center Access Study; and

WHEREAS, as the City of Lynnwood has secured Federal STP and IMD grants for the project, in order to meet the City's provisional financing requirements of the Comprehensive Plan and Capital Facilities Plan in accordance with RCW 36.70A.070(c); and

WHEREAS, the City has established Fund 324 for the Poplar Way Extension Bridge project and has authorized the transfer of \$133,115 from Fund 325 and \$340,000 from Fund 411 by way of Ordinance #2889 in order to provide grant matching funds for the project; and

WHEREAS, the City entered into contracts #1883 and #2192 with Perteet Inc., to complete two phases of design for the Poplar Way Extension Bridge Contract; and

WHEREAS, the City received substantial material comments during the 30% plan review for the bridge which will require supplementing the second phase of the design contract #2192 with Perteet Inc. in the amount of \$180,835 to include additional design and engineering, not included in the original contract scope of work, in order to incorporate requested changes from WSDOT and City Departments; and

WHEREAS, Public Utility District #1 (PUD) has requested that the City of Lynnwood reimburse PUD for engineering staff time associated with plan review and redesign of the power distribution system needed to accommodate the Poplar Way Extension Bridge project on existing PUD property. This will require that the City execute a service agreement with PUD in the amount of \$45,955.00; and

WHEREAS, the Washington Department of Transportation has fully expended all administrative grant dollars allocated to their review of the Poplar Way Extension Bridge

project and has requested that the City of Lynnwood supplement the Local Agency agreement to provide additional grant funds for administration in the amount of \$49,641; and

WHEREAS, the financial plan for the project has been updated to reflect these additional costs and the most recent cost estimates for each phase of the project and final expense information after completion of phase 1 design; and

WHEREAS, sufficient fund balances remain in existing IMD grants, STP grants and local match funds to cover these additional costs. The previously appropriated sum of \$3,426,015 will remain the same and remaining balances will be reallocated as detailed in the financial plan dated 03/18/2014; and

WHEREAS, the City received substantial material comments during the 60% plan review for the bridge which will require supplementing the second phase of the design contract #2192 with Perteet Inc. in the amount of \$86,103 to include additional design and engineering, not included in the original contract scope of work, in order to incorporate requested changes from WSDOT and City Departments; and

WHEREAS, a partial fund balance remaining in the existing IMD grant and local match funds will be combined with the additional funds from funds 411 and 331 to be transferred to fund 324 to cover these additional costs. \$22,759 will be transferred from fund 411 to fund 324 and \$63,344 will be transferred from fund 331 to fund 324. The new appropriated sum of \$3,512,118 will be reallocated as detailed in the financial plan dated 06/12/2015; and

WHEREAS, the City will supplement the second phase of the design contract #2192 with Perteet Inc. in the amount of \$132,213 which will begin the Right-of-Way phase of the project; and

WHEREAS, the City will use On-Call services for escrow in the amount of approximately \$27,000 and acquisition costs in the amount of approximately \$1,735,687 which will be used to acquire necessary property rights for construction and future Right-of-Way; and

WHEREAS, a federal STP grant and local match funds will be combined to be transferred to fund 324 to cover these costs. \$259,591 will be transferred from fund 110 to fund 324. The new appropriated sum of \$5,435,017 will be reallocated as detailed in the financial plan dated 09/30/2015; now, therefore

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Appropriation:**

A. The estimated costs of the project are provided in detail on the attached Financial Plan dated 9/30/2015, and summarized as follows:

Project Phase	Amount
Design	3,512,117
ROW	1,922,900
Construction	TBD
Total	5,435,017

B. The sum of \$5,435,017 is hereby appropriated, to the extent not previously appropriated, for design for the Project as follows:

Prior Ord # / Current Activity	Fund No.	Revenue		Expenditures	
		Description	Amount	Description	Amount
<b>Design</b>					
Ord #3144		Prior Activity	3,512,117	PS&E Design	3,512,117
		<b>Prior Activity - SubTotal</b>	<b>3,512,117</b>	<b>PS&amp;E Design</b>	<b>3,512,117</b>
<b>ROW</b>					
October 2015 Update	110/324	TrIFs Fund 110	259,591	ROW	259,591
October 2015 Update	STP Grant/324	STP Grant from PSRC	1,663,309	ROW	1,663,309
		<b>Current Activity - SubTotal</b>	<b>1,922,900</b>		<b>1,922,900</b>
		<b>Current Total Appropriation</b>	<b>5,435,017</b>		<b>5,435,017</b>

C. The Funding Appropriation(s) and related changes, modifications, adjustments, if any, are provided in detail as follows:

Prior Ord # / Current Activity	Fund No.	Revenue		Expenditures	
		Description	Amount	Description	Amount
<b>Design</b>					
Ord #3144			3,512,177		3,512,117
		<b>Design - SubTotal</b>	<b>3,512,177</b>		<b>3,512,117</b>
<b>ROW</b>					
October 2015 Update		PSRC STP Grant	1,663,309		1,663,309
October 2015 Update		TrIFs Fund 110	259,591		259,591
		<b>Design - SubTotal</b>	<b>1,922,900</b>		<b>1,922,900</b>
<b>Construction</b>					
			TBD		TBD
		<b>Construction - SubTotal</b>	<b>TBD</b>		<b>TBD</b>
October 2015 Update		<b>Current Appropriation</b>	<b>5,435,077</b>		<b>5,435,017</b>

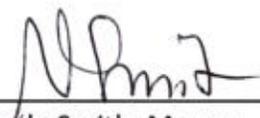
**Section 2. Modifications of the 2015-2016 Biennial Budget.** The required expenditures for operation of the various departments and funds of the City of Lynnwood for the fiscal years ending December 31, 2015 and 2016 are hereby modified and amended and incorporated herein.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality therefore, shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED this 12<sup>th</sup> day of October, 2015, and signed in authentication of its passage this 26<sup>th</sup> day of October, 2015.

APPROVED:

  
\_\_\_\_\_  
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Sonja Springer, Finance Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 09/30/2015  
PASSED BY THE CITY COUNCIL: 10/12/2015  
PUBLISHED: 10/26/2015  
EFFECTIVE DATE: 10/31/2015  
ORDINANCE NUMBER: 3157

Financial Plan Fund # 324 Project: Poplar Way Extension Bridge Last Update: 09/30/2015 Project Manager: Nicholas Barnett Reviewed By: Jeff Elekes				SECURED FUNDING TOTAL = \$7,144,483									
				Target / Actual Expenses	Exp / Revenue Difference	Revenue Anticipated	Local Match Fund 325/324	Local Match Fund 411	Local Match Fund 331	Local Match Fund 110	Federal IMD Grant (80% / 20%)	Federal IMD Grant (100%)	Federal STP Grant Design (86.5%/13.5%)
							\$	\$	\$	\$	\$	\$	\$
<b>Preconstruction Activity</b>				\$ 133,116.00	\$ 362,759.00	\$ 63,344.00	\$ 259,591.00	\$ 493,053.00	\$ 559,845.00	\$ 4,950,000.00			
Prior Approval ORD #3144													
Previous Preconstruction Total =				\$ 3,512,117.00	\$ -	\$ 3,512,117.00	\$ 133,116.00	\$ 362,759.00	\$ 63,344.00	\$ -	\$ 493,053.00	\$ 559,845.00	\$ 1,900,000.00
Preconstruction Activity Total (Update 08/12/2015) =				\$ 3,512,117.00	\$ -	\$ 3,512,117.00	\$ 133,116.00	\$ 362,759.00	\$ 63,344.00	\$ -	\$ 493,053.00	\$ 559,845.00	\$ 1,900,000.00
<b>Right of Way</b>													
October-2015	Acquisition Costs	\$ 1,723,687.00	\$ -	\$ 1,723,687.00				\$ 232,698.00		\$ 1,490,989.00			
October-2015	Escrow	\$ 27,000.00	\$ -	\$ 27,000.00				\$ 3,645.00		\$ 23,355.00			
October-2015	Administration (Titles, Appraisals, Etc.)	\$ 132,213.00	\$ -	\$ 132,213.00				\$ 17,848.00		\$ 114,365.00			
October-2015	WSDOT Administration	\$ 15,000.00	\$ -	\$ 15,000.00				\$ 2,025.00		\$ 12,975.00			
October-2015	City Proj. Mgmt & Administration	\$ 25,000.00	\$ -	\$ 25,000.00				\$ 3,375.00		\$ 21,625.00			
ROW Activity Total (Updated 8/12/2015) =				\$ 1,922,900.00	\$ -	\$ 1,922,900.00	\$ -	\$ -	\$ -	\$ 259,591.00	\$ -	\$ -	\$ 1,663,309.00
ROW Activity Total (Update 08/12/2015) =				\$ 1,922,900.00	\$ -	\$ 1,922,900.00	\$ -	\$ -	\$ -	\$ 259,591.00	\$ -	\$ -	\$ 1,663,309.00
<b>Construction Activity</b>													
Prior Approval ORD #3144													
Previous Preconstruction Total =				\$ 26,421,600.00	\$ 26,421,600.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
October-2015	Construction, Updated Costs	\$ 1,889,500.00	\$ 1,889,500.00	\$ -									
October-2015	Contingency, Updated Costs (10%)	\$ (174,800.00)	\$ (174,800.00)	\$ -									
October-2015	Engineering (CM/Admin/On-Call/Testing), Updated Costs	\$ 838,700.00	\$ 838,700.00	\$ -									
Construction Activities, Cost Increase (Updated 08/12/2015) =				\$ 2,553,400.00	\$ 2,553,400.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Construction Activity Total (Update 08/12/2015) =				\$ 28,975,000.00	\$ 28,975,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>Expenses Total</b>				\$ 34,410,017.00	\$ 28,975,000.00	\$ 5,435,017.00	\$ 133,116.00	\$ 362,759.00	\$ 63,344.00	\$ 259,591.00	\$ 493,053.00	\$ 559,845.00	\$ 3,563,309.00
<b>Notes:</b>													
1.) 03/18/2014 - PH.2 Design costs through Supplement #4 by Perteet, Inc. on 04/10/2014.													
2.) 03/18/2014 - Right of Way cost information updated per estimate prepared by Perteet, Inc. on 2/12/2014.													
3.) 03/18/2014 - Construction cost information updated per estimate prepared by Perteet, Inc. on 10/10/2014.													
4.) 03/18/2014 - PUD Design Costs per estimate prepared by PUD on 02/03/2014.													
5.) 03/18/2014 - Additional WSDOT Admin. Cost per estimate prepared by WSDOT on 1/21/2014.													
1.) 06/11/2015 - \$559,208.00 were the federal funds used in the Access Study. \$3,512,117.00 (from PH.2 Design above) + \$559,208.00 = \$4,071,325.00, the amount of total project funds shown in the LA Agreement Supplement #7.													
				Difference	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,386,691.00



On the 12th day of October 12, 2015 the City Council of the City of Lynnwood, Washington, passed ordinance 3157. A summary of the content of this ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3157**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE #2889, AND SUPERSEDING ORDINANCE #2964, AND SUPERSEDING ORDINANCE #3056, AND SUPERSEDING ORDINANCE #3144, UPDATING THE FINANCIAL PLAN FOR THE POPLAR WAY EXTENSION BRIDGE PROJECT (33RD AVE W TO POPLAR WAY); AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

The full text of this ordinance will be mailed upon request.

DATED this 26<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
Debbie Karber, Deputy City Clerk



**LYNNWOOD**  
WASHINGTON

## **CERTIFICATE**

I, the undersigned, Debra Karber, the duly appointed Deputy City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3157 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE NO. 3157**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE #2889, AND SUPERSEDING ORDINANCE #2964, AND SUPERSEDING ORDINANCE #3056, AND SUPERSEDING ORDINANCE #3144, UPDATING THE FINANCIAL PLAN FOR THE POPLAR WAY EXTENSION BRIDGE PROJECT (33RD AVE W TO POPLAR WAY); AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

That said ordinance was passed by the Council on October 12, 2015 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on October 26, 2015.

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Debra Karber, Deputy City Clerk

# Everett Daily Herald

## Affidavit of Publication

State of Washington }  
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH665220 ORDINANCE SUMMARIES as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 10/26/2015 and ending on 10/26/2015 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$92.56.

Kathleen Landis

Subscribed and sworn before me on this

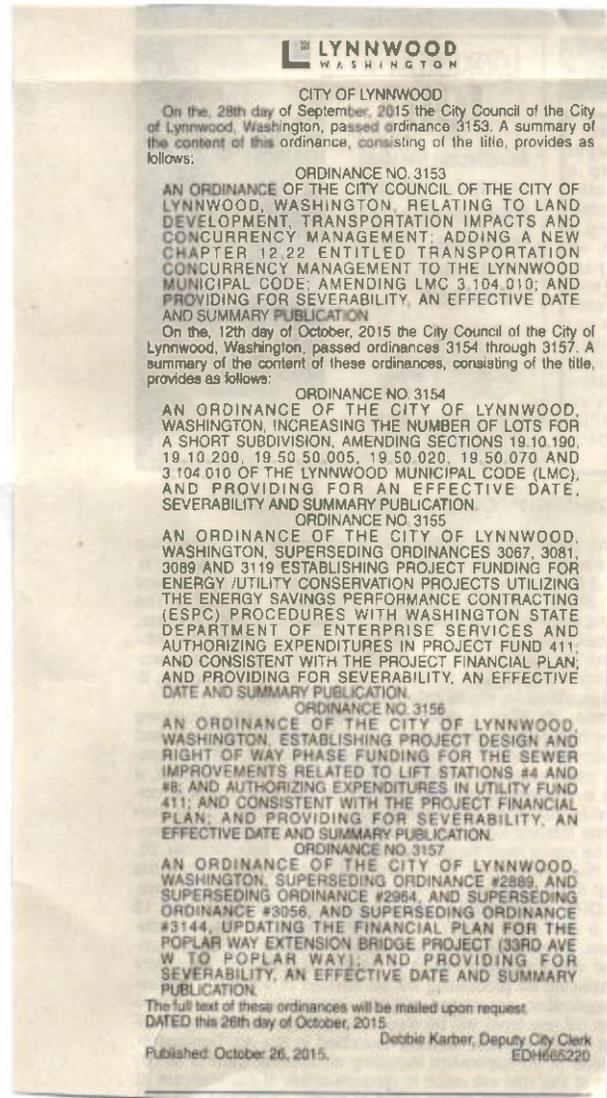
27 day of October

2015.

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890  
DEBBIE KARBER



DEBRA ANN GRIGG  
Notary Public  
State of Washington  
My Commission Expires  
October 31, 2017